

Application/Control Number: 10/091,689
Art Unit: 2654

Docket No.:2001-0105

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

By this amendment, claims 1-20 are pending, claims 1, 2 and 4-14 having been amended, and claims 15-20 having been added.

Objection to Claim 14

On page 2 of the present Office Action, the Examiner objected to claim 14 as allegedly being an exact duplicate of claim 1. Applicants amended claim 14, such that claims 1 and 14 are different. Therefore, Applicants respectfully request that the objection be withdrawn.

Provisional Obviousness-Type Double Patenting Rejection of claims 1-14

On page 2 of the Office Action, the Examiner provisionally rejected claims 1-14 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-14 of U.S. Patent Application No. 09/972,929. Applicants are submitting a terminal disclaimer concurrently with this amendment. Therefore, Applicants respectfully request that the provisional rejection of claims 1-14 be withdrawn.

Rejection of Claims 1, 4, 5, 8, 9 and 12-14

On page 3 of the Office Action, the Examiner rejected claims 1, 4, 5, 8, 9 and 12-14 under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,418,411 to Gong in view of U.S. Patent No. 5,864,810 to Digalakis et al. ("Digalakis"). Applicants submit that the amended claims obviate the rejection.

Amended independent claim 1 is directed to a method of dynamic re-configurable speech recognition. The method includes, among other things, repeatedly determining

Application/Control Number: 10/091,689
Art Unit: 2654

Docket No.:2001-0105

parameters of a background model based on sampled information collected at a periodic time interval during a received voice request and adjusting the periodic time interval based, at least in part, on determined changes in the sampled information. Applicants submit that Gong does not disclose or suggest the above-mentioned features required by claim 1. Further, Applicants submit that Digalakis fails to satisfy the deficiencies of Gong. Therefore, Applicants submit that neither Gong nor Digalakis disclose or suggest the above-mentioned features of claim 1, either separately or in any combination. Applicants, therefore, respectfully request that the rejection of claim 1 be withdrawn.

Claim 4 depends from claim 1 and is patentable over Gong in view of Digalakis for at least the reasons discussed above with respect to claim 1. Therefore, Applicants respectfully request that the rejection of claim 4 be withdrawn.

Amended independent claim 5 is directed to a system for dynamic re-configurable speech recognition. The system includes, among other things, a controller adapted to adjust a periodic time interval based, at least in part, on changes in the collected sampled information. Applicants submit that claim 5 is patentable over Gong and Digalakis for at least reasons similar to those provided with respect to claim 1. Therefore, Applicants respectfully request that the rejection of claim 5 be withdrawn.

Claim 8 depends from claim 5 and is patentable over Gong and Digalakis for at least the reasons provided with respect to claim 5. Therefore, Applicants respectfully request that the rejection of claim 8 be withdrawn.

Amended independent claim 9 is directed to a carrier wave encoded to transmit a control program that includes, among other things, instructions for determining parameters of a background model of at a periodic time during a received voice request and instructions for adjusting the periodic time based, at least in part, on determined changes in sampled noise information. Applicants submit that these features are similar to features of claim 1 and that claim 9 is patentable over Gong and Digalakis for at least reasons similar to those provided

Application/Control Number: 10/091,689
Art Unit: 2654

Docket No.:2001-0105

with respect to claim 1. Therefore, Applicants respectfully request that the rejection of claim 9 be withdrawn.

Claim 12 depends from claim 9 and is patentable over Gong and Digalakis for at least the reasons provided with respect to claim 9. Therefore, Applicants respectfully request that the rejection of claim 12 be withdrawn.

Amended independent claim 13 is directed to a computer readable medium that includes computer-readable program code to perform a method. The method includes, among other things, determining parameters of a background model at a periodic time during a voice request and adjusting the periodic time based, at least in part, on determined changes in sampled noise information. Applicants submit that these features are similar to features of claim 1. Applicants submit that claim 13 is patentable over Gong and Digalakis for at least reasons similar to those provided with respect to claim 1. Applicants respectfully request that the rejection of claim 13 be withdrawn.

Amended independent claim 14 recites features similar to those of claim 1 and is patentable over Gong and Digalakis for reasons similar to those provided with respect to claim 1. Therefore, Applicants respectfully request that the rejection of claim 14 be withdrawn.

Rejection of Claims 2, 6 and 10

On page 5 of the Office Action, the Examiner rejected claims 2, 6 and 10 under 35 U.S.C. 103(a) as allegedly being unpatentable over Gong in view of Digalakis and further in view of published U.S Patent Application, Publication No. 20020052742 to Thrasher et al. ("Thrasher"). Applicants submit that the amended claims obviate the rejection.

Claim 2 depends from claim 1, which is patentable over Gong in view of Digalakis for at least the reasons provided with respect to claim 1. Applicants submit that Thrasher

Application/Control Number: 10/091,689
Art Unit: 2654

Docket No.:2001-0105

fails to satisfy the deficiencies of Gong and Digalakis. Therefore, Applicants respectfully request that the rejection of claim 2 be withdrawn.

Claims 6 and 10 depend from claims 5 and 9, respectively, which are patentable over Gong in view of Digalakis for the reasons provided with respect to claims 5 and 9.

Applicants submit that Thrasher fails to satisfy the deficiencies of Gong and Digalakis. Therefore, Applicants respectfully request that the rejection of claims 6 and 10 be withdrawn.

Further, Applicants submit that amended claim 10 is patentable for other reasons. For example, claim 10 further recites instructions for periodically determining a new transducer model. Applicants submit that Gong, Digalakis and Thrasher fail to disclose or suggest, either separately or in combination, the above-mentioned feature required by claim 10.

Rejection of Claims 3, 7 and 11

On page 6 of the Office Action, the Examiner rejected claims 3, 7 and 11 under 35 U.S.C. 103(a) as allegedly being unpatentable over Gong, in view of Digalakis and Thrasher, and further in view of U.S. Patent No. 5,712,957 to Waibel et al. ("Waibel"). Applicants submit that the amended claims obviate the rejection.

Claims 3, 7 and 11 depend from claims 1, 5 and 9, respectively, which are patentable over Gong and Digalakis for at least the reasons provided with respect to claim 1. Applicants submit that Thrasher and Waibel fail to satisfy the deficiencies of Gong and Digalakis. Therefore, Applicants respectfully request that the rejection of claims 3, 7 and 11 be withdrawn.

New Claims 15-20

New claims 15-20 depend from one of claims 1, 5, 13 and 14, which are patentable over the cited references for at least the reasons discussed above with respect to claims 1, 5, 13 and 14.

Application/Control Number: 10/091,689
Art Unit: 2654

Docket No.: 2001-0105

CONCLUSION

Having addressed all objections and rejections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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By: Richard C. Irving

Correspondence Address:

Customer No. 49637
AT&T Corp.
Room 2A-207
One AT&T Way
Bedminster, NJ 07921

Richard C. Irving
Attorney for Applicants
Reg. No. 38, 499
Phone: 410-414-3056
Fax No.: 410-510-1433